

**IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF ILLINOIS  
EASTERN DIVISION**

John Scatchell,

Plaintiff,

v.

Village of Melrose Park, et al.,

Defendants.

Case No.: 1:18-cv-03989

**JOINT STATUS REPORT**

Plaintiff John Scatchell (“Scatchell”) and Defendants, by their attorneys, and pursuant to Fed. R. Civ. P. Rule 26(f), this Court’s October 18, 2018 Order (Doc. 13), and the Court’s Standing Order regarding initial status reports, state as follows:

**1. TYPE OF INITIAL STATUS REPORT.** This is a joint initial status report.

**2. NATURE OF THE CASE.**

**a. Attorneys of record; trial attorneys.**

**i.** Plaintiff’s attorney of record: Gianna Scatchell, Law Office of Gianna Scatchell, 360 W. Hubbard St., Ste. 1404, Chicago, IL 60654, (312), 248-3303, gia@lawfirm.gs.

**ii.** Defendants’ attorney of record and trial attorney:

**Counsel for Mayor Serpico:** K. Austin Zimmer, Del Galdo Law Group, LLC, 1441 S. Harlem Avenue, Berwyn, Illinois 60402, Phone: (708) 222-7000, Email: zimmer@dlglawgroup.com

**Counsel for the Police Officials:** Michael D. Bersani, HERVAS, CONDON & BERSANI, P.C., 333 W. Pierce Road, Ste. 195, Itasca, IL 60143, Phone (630)773-4774, Email: mbersani@hcbattorneys.com

Counsel for the Village: Jeffrey S. Fowler, Laner Muchin, Ltd., 515 North State St., Ste. 2800, Chicago, IL 60654, Phone: (312) 467-9800, Email: Jfowler@lanermuchin.com

- b. Unserved parties.** None.
- c. Basis for Jurisdiction:** Federal question 28 U.S.C. §§ 1331.
- d. Nature of Claims:** Plaintiff seeks relief for the following: Count I (First Amendment); Count II (Claim of Retaliation Under § 1981); Count III (Monell Claim); Count IV (Conspiracy 42 U.S.C. § 1983). Plaintiff Scatchell alleges that he was retaliated against, harassed, and constructively demoted for engaging in constitutionally protected speech and expressive conduct. Plaintiff alleges further that he carried out his job duties in a competent and professional manner, but defendants allegedly penalized him for exercising certain rights. Defendants have filed answers to the complaint and denied the above and other allegations of wrongdoing and asserted certain affirmative defense to liability.
- e. Major Legal Issues:** Whether Defendants retaliated against Plaintiff Scatchell based on his protected conduct.<sup>1</sup>
- f. Major Factual Issues:** As detailed in Defendants' Answers to the Complaint, whether the Police Officials or the Mayor retaliated against Plaintiff or violated any of his civil rights, and as to the Village, whether there were corporate policies, practices or customs as alleged by the Plaintiff.
- g. Relief Sought by Plaintiff:** Plaintiff is requesting payment of actual/compensatory damages (including for emotional distress), fringe benefits, prejudgment interest,

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<sup>1</sup> If the Court desires, the Parties will supplement this Report with a more detailed statement of legal and factual issues.

attorneys' fees, expert witness fees, costs, and any other relief to make Plaintiff whole, including compensation for lost earning power.

**3. PENDING MOTIONS AND CASE DISCOVERY PLAN.**

**a. Pending Motions:** None.

**b. Proposed Discovery Plan:** General types of discovery needed: Written and oral discovery. In addition, Plaintiff intends to seek Site Inspections at the Melrose Park Police Department and Plaintiff expects this to include ESI, such as e-mail, voicemail, instant and text messages, databases, metadata, digital images and other types of files. Defendants oppose site inspections of a police department and oppose third parties from having direct access to its computer systems and records, and will seek entry of a Confidentiality Order. Plaintiff also believes that other related discovery relevant to the claims raised in the Complaint may be required, but Defendants are not aware of such and therefore take no position regarding any such request. The parties reserve the right to update these subjects pending the discovery process, investigation, and as the facts of the case develop.

**c. A date for Rule 26(a)(1) disclosures:** January 11, 2019.

**d. A date to issue written discovery:** January 11, 2019.

**e. Discovery completion date:** The parties propose that fact discovery be completed by August 1, 2019. At this time, the parties do not anticipate opinion evidence or discovery, but if such is presented, request a date for completion of such discovery be set for October 25, 2019.

**f. A proposed date for the filing of dispositive motions (if any):** September 1, 2019.

**g. Earliest possible trial date:** Three-four months after ruling on any dispositive motions. The trial should take three to four days.

**4. Consent to Magistrate Judge.** The parties do not consent to proceed before a Magistrate Judge at this time.

**5. Settlement discussions.**

- a. No settlement discussions have occurred to date.
- b. Plaintiff's prayer for relief includes a proposal that this Court conduct a mediated settlement conference or refer the case to its court-annexed mediation program to assist the parties in bringing about a settlement of this case. Plaintiff remains open to settlement discussions and believes a settlement conference would be fruitful.

DATE: December 3, 2018

Respectfully submitted,

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JOHN SCATCHELL, PLAINTIFF

By: /s/ Gianna Scatchell  
Gianna Scatchell

VILLAGE OF MELROSE PARK, DEFENDANT

VILLAGE OF MELROSE PARK

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By: /s/ Michael D. Bersani  
Michael Bersani

**CERTIFICATE OF SERVICE**

Gianna R. Scatchell, an attorney for Plaintiff, certifies that on **December 3, 2018**, she caused a true and correct copy of the **Joint Status Report** to be served on the Defendants, Village of Melrose Park via Email at jfowler@lanermuchin.com; Ronald M. Serpico via Email at zimmer@dlglawgroup.com; and Sam Pitassi, Michael Castellan, and Stephen Rogowski via Email at mbersani@hcbattorneys.com.

/s/ Gianna R. Scatchell  
Gianna R. Scatchell